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Attorneys for Defendants
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CHARLES LAW, KING & WOOD, L.L.P.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

MIA KIM,

Plaintiff,

vs.

PAUL GUMINA, LAW OFFICES OF
PAUL GUMINA P.C., CHARLES LAW,
KING & WOOD LLP, AND DOES 1 TO
500, inclusive,

Defendants.

Case No. C 08-00900 PVT

**ANSWER TO COMPLAINT; JURY
DEMAND**

Assigned Judge: Patricia V. Trumbull
Assigned: Ctrm. 5, 4th Floor
Removal Filed: 2/12/08

1. In answer to paragraph 1 of the complaint, responding defendants lack information or knowledge of the matters alleged therein and on that basis deny the allegations of paragraph 1.

2. In answer to paragraph 2 of the complaint, responding defendants admit that Paul Gumina is a California attorney practicing in San Jose, California, and that Paul Gumina acted as attorney for Mia Wang and other defendants in the underlying lawsuit until his motion to withdraw as counsel was granted therein. Responding defendants admit that Paul Gumina maintains an office at 1735 N. First Street, San Jose. Responding defendants deny the remainder of the allegations in paragraph 2.

3. In answer to paragraph 3 of the complaint, responding defendants admit that Charles Law was a California attorney and that he acted as attorney for Mia Wang and other

1 defendants in the underlying lawsuit until his motion to withdraw as counsel was granted
2 therein. Responding defendants deny the remainder of the allegations in paragraph 3.

3 4. In answer to paragraph 4 of the complaint, responding defendants admit that
4 Law Offices of Paul Gumina, P.C. is a law firm in the state of California, engaged in the
5 practice of law with its principal place of business in San Jose and offices located at 1735
6 N. First Street, San Jose. Responding defendants deny the remainder of the allegations in
7 paragraph 4.

8 5. In answer to paragraph 5 of the complaint, responding defendants admit that
9 King & Wood, LLP is a business located in Santa Clara County and in San Jose.
10 Responding parties further admit that it maintains offices at 125 S. Market Street, San Jose
11 and that it is engaged in the practice of law. Responding defendants further admit that the
12 firm acted as attorney for Mia Wang and other defendants in the underlying lawsuit until its
13 motion to withdraw as counsel was granted therein. Responding defendants deny the
14 remainder of the allegations in paragraph 5.

15 6. In answer to paragraph 6 of the complaint, responding defendants lack
16 information or knowledge of the matters alleged therein and on that basis deny the
17 allegations of paragraph 6.

18 7. Responding defendants admit the allegations of paragraph 7.

19 8. In answer to paragraph 8 of the complaint, responding defendants admit that
20 Michael Wang contacted and retained King & Wood to represent Mia Wang and the other
21 defendants in the underlying lawsuit. Responding defendants deny the remainder of the
22 allegations in paragraph 8.

23 9. In answer to paragraph 9 of the complaint, responding defendants lack
24 information or knowledge of the matters alleged therein and on that basis deny the
25 allegations of paragraph 9.

26 10. In answer to paragraph 10 of the complaint, responding defendants admit that
27 King & Wood filed an appearance in the underlying action on behalf of Mia Wang and the
28 other defendants. Responding defendants deny the remainder of the allegations in
paragraph 10.

1 11. In answer to paragraphs 11 through 15, responding defendants deny the
2 allegations of those paragraphs.

3 12. In answer to paragraph 16 of the complaint, responding defendants lack
4 information or knowledge of the matters alleged therein and on that basis deny the
5 allegations of paragraph 16.

6 13. In answer to paragraph 17 of the complaint, responding defendants lack
7 information or knowledge as to the circumstances of plaintiff's knowledge of the
8 underlying judgment and on that basis, responding defendants deny those allegations. As to
9 the remainder of the allegations in paragraph 17, responding defendants deny those
10 allegations.

11 14. In answer to paragraph 18 of the complaint, responding defendants lack
12 information or knowledge as to the circumstances of plaintiff's knowledge of the
13 underlying judgment and on that basis, responding defendants deny those allegations. As to
14 the remainder of the allegations in paragraph 18, responding defendants deny those
15 allegations.

16 15. In answer to paragraph 19, responding defendants deny the allegations of
17 paragraph 19.

18 16. In answer to paragraph 20, responding defendants admit that the motion to
19 withdraw was granted after the opposition to the motion for terminating sanctions was due
20 to be filed. Responding defendants deny the remainder of paragraph 20.

21 17. In response to paragraph 21, responding parties re-allege their admissions
22 and denial to paragraphs 1-20 as set forth herein.

23 18. In answer to paragraph 22, responding defendants admit that King & Wood
24 accepted the representation of Mia Wang and entered into an attorney-client relationship
25 with her regarding the defense of the underlying action. Responding defendants deny the
26 remainder of the allegations in paragraph 22.

27 19. In answer to paragraph 23 of the complaint, responding defendants lack
28 information or knowledge of the matters alleged therein and on that basis deny the
allegations of paragraph 23.

1 20. In answer to paragraphs 24 through 28, responding defendants deny the
2 allegations of those paragraphs.

3 21. In answer to the prayer, responding defendants deny that plaintiff has been
4 damaged, or is entitled to any relief whatsoever.

5 FIRST AFFIRMATIVE DEFENSE

6 22. Defendants allege that the complaint, and each cause of action contained
7 therein, fails to state a claim upon which relief can be granted.

8 SECOND AFFIRMATIVE DEFENSE

9 23. Defendants are informed and believe and thereon allege that the complaint,
10 and each cause of action therein, is barred by the applicable statute of limitations stated in
11 Part Two, Title II, Chapter 3, of the California Code of Civil Procedure, including, but not
12 limited to, Section 340.6.

13 THIRD AFFIRMATIVE DEFENSE

14 24. Defendants are informed and believe and thereon allege that plaintiff failed
15 and neglected to use reasonable care to protect herself and to minimize the losses and
16 damages complained of, if any there were.

17 FOURTH AFFIRMATIVE DEFENSE

18 25. Defendants are informed and believe and thereon allege that plaintiff did not
19 rely upon any representations made by defendants, and therefore, any injuries, losses or
20 damages complained of by plaintiff, if any there were, were not occasioned by any
21 representations made by defendants.

22 FIFTH AFFIRMATIVE DEFENSE

23 26. Defendants are informed and believe and thereon allege that plaintiff ratified
24 and confirmed the transactions that are the subject matter of the complaint, and every
25 representation, if any, made by defendants.

26 SIXTH AFFIRMATIVE DEFENSE

27 27. Defendants are informed and believe and thereon allege that the complaint,
28 and each cause of action contained therein, is barred by the equitable Doctrine of Laches.

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SEVENTH AFFIRMATIVE DEFENSE

28. Defendants are informed and believe and thereon allege that the complaint, and each cause of action contained therein, is barred by the equitable Doctrine of Unclean Hands.

EIGHTH AFFIRMATIVE DEFENSE

29. Defendants are informed and believe and thereon allege that the complaint, and each cause of action contained therein, is barred by the equitable Doctrines of Waiver and Estoppel and plaintiff is estopped from maintaining this action.

NINTH AFFIRMATIVE DEFENSE

30. Defendants are informed and believe and thereon allege that plaintiff and defendants acted through a duly authorized agent who acted on behalf of plaintiff and with plaintiff's consent.

TENTH AFFIRMATIVE DEFENSE

31. Defendants are informed and believe and thereon allege that plaintiff's complaint is a sham and plaintiff has illegally assigned the beneficial interest in her case to a third party and that the complaint is merely an effort to collect the underlying judgment against plaintiff.

ELEVENTH AFFIRMATIVE DEFENSE

32. Defendants are informed and believe and thereon allege that reasonable research was undertaken in an effort to ascertain relevant legal principles and informed discretion regarding the rights of the client and was exercised based on an intelligent assessment of the problem. Said discretion bars recovery hereunder.

TWELFTH AFFIRMATIVE DEFENSE

33. Defendants are informed and believe and thereon allege that plaintiff consented to all the acts of the defendant complained of in the complaint, and that said consent was both express and implied.

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THIRTEENTH AFFIRMATIVE DEFENSE

34. Defendants are informed and believe and thereon allege that plaintiff's complaint, and each cause of action thereof, is barred by the Doctrines of res judicata and collateral estoppel.

Defendant presently has insufficient knowledge or information on which to form a belief as to whether defendant may have additional, as yet unstated, defenses available. Defendant reserves herein the right to assert additional defenses in the event discovery indicates that they would be appropriate.

WHEREFORE, defendant prays as follows:


1. That Plaintiff takes nothing from these answering Defendants by this Complaint;
2. That Defendants be awarded judgment in this action;
3. For costs of suit incurred herein; and
4. For such other and further relief as the Court deems proper.

JURY DEMAND

Demand is hereby made for trial by jury in the above-entitled cause by Defendants PAUL GUMINA, LAW OFFICES OF PAUL L. GUMINA, P.C., CHARLES LAW, KING & WOOD, L.L.P.

Dated: March 10, 2008

ROBINSON & WOOD, INC.

By: 
JESSE F. RUIZ
Attorneys for Defendants
PAUL GUMINA, LAW OFFICES OF PAUL L.
GUMINA, P.C., CHARLES LAW, KING &
WOOD, L.L.P.